29782. Misbranding of Pro-Tex Adhesive Gauze Bandage. U. S. v. 110 Adhesive Gauze Bandages. Default decree of condemnation and destruction. (F. & D. No. 42481. Sample No. 23467–D.)

This product having been shipped in interstate commerce and remaining unsold and in the original packages at the time of examination, was found to be contaminated with viable micro-organisms.

On June 2, 1938, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 gauze bandages at Salem, Oreg.; alleging that the article had been shipped on or about January 15, 1938, by Pro-Tex Laboratories from Yelm, Wash.; and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the following statements, (carton) "Pro-Tex, Safe, Sanitary, Unconditionally Guaranteed, Apply Pro-Tex directly over wound if no sterile gauze is available." (circular) "Pro-Tex, Safe, Sanitary, Pro-Tex Adhesive Gauze Bandage is made by processing pure * * * sterilized gauze," "Pro-Tex is sterilized in the process of manufacturing. It * * * permits air to circulate about the wound. Thus nature is permitted to aid in the natural healing processes," "Pro-Tex is extensively used by hospitals and every branch of the medical profession including physicians and surgeons veterinarians * * * [picture of foot with bandage] Figure 11 shows how Pro-Tex may be used for protecting heel blisters," "For home use * * * to protect * * * cuts and abrasions," and "Pro-Tex is guaranteed for one year from the date of purchase," were false and misleading when applied to an article contaminated with viable micro-organisms.

On September 12, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29783. Adulteration and misbranding of quinine sulfate pills. U. S. v. United Drug Co. Plea of guilty. Fine, $50. (F. & D. No. 40778. Sample Nos. 11978–C, 11991–C, 20165–C.)

This product contained less quinine sulfate than the amount declared on the label.

On April 7, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against United Drug Co., a corporation trading at Boston, Mass., alleging shipment by said defendant in violation of the Food and Drugs Act in the period from on or about February 5 to on or about March 3, 1937, from the State of Massachusetts into the State of New Hampshire of quantities of quinine sulfate pills which were adulterated and misbranded. The article was labeled in part: "Puretest Quinine Pills" or "Pulverized Pills U D Quinine Sulphate."

It was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that each of said pills was represented to contain not less than 2 grains of quinine sulfate; whereas each pill did contain less than 2 grains of quinine sulfate, samples taken from the 3 shipments having been found to contain 1.64 grains, 1.55 grains, and 1.62 grains, respectively, of quinine sulfate.

The article was alleged to be misbranded in that the statements, "Each pill contains 2 Grains of Quinine Sulphate" and "Pills * * * Quinine Sulphate 2 Grains," borne on the labels, were false and misleading in that they represented that each of said pills contained 2 grains of quinine sulfate; whereas each of said pills contained a less amount.

On September 20, 1938, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of $50.

M. L. WILSON, *Acting Secretary of Agriculture.*

29784. Misbranding of Nu-Vita Cleaner. U. S. v. One Tub of Nu-Vita Cleaner. Default decree of condemnation and destruction. (F. & D. No. 42469. Sample No. 12306–D.)

The designation of this veterinary product, consisting of the combination of letters "Nu-Vita" and the word "Cleaner," constituted a device regarding its curative and therapeutic effects that was false and fraudulent.

On May 26, 1938, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the